

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLSTATE INSURANCE CO.,

Plaintiff,

vs.

Civil Action No. 12-CV-14716
HON. MARK A. GOLDSMITH

VINCENT RICCOBONO, et al.,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiff filed a complaint (Dkt. 1) that does not state the basis for federal court jurisdiction. The Court issued an order (Dkt. 3) that stated, in pertinent part:

On or before November 9, 2012, Plaintiff shall file an amended complaint that states the basis for federal jurisdiction in this matter. Additionally, if the basis for jurisdiction is diversity of citizenship, Plaintiff must properly allege the citizenship of each party. If Plaintiff does not timely comply with this order, the Court will dismiss the case for lack of subject matter jurisdiction.

Plaintiff timely filed an amended complaint (Dkt. 4). The amended complaint, however, does not state the basis for federal court jurisdiction. Therefore, Plaintiff's complaint is dismissed without prejudice for lack of subject matter jurisdiction.¹ See Fed. R. Civ. P. 12(h)(3).

¹ In addition, even assuming that diversity jurisdiction was specified, the Court would still dismiss the amended complaint because the amended complaint does not state the citizenships of Millennium Food Service, LLC's members and sub-members, and therefore Plaintiff does not properly allege the citizenship of this party. See Delay v. Rosenthal Collins Group, LLC, 585 F.3d 1003, 1005 (6th Cir. 2009).

Civil Action No. 12-cv-14716

SO ORDERED.

Dated: November 14, 2012
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 14, 2012.

s/Amanda Chubb for Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager